Remarks/Arguments

35 U.S.C. §103

Claims 1, 3, 4, 7, 8, 10, 11, 14, 15, 17, 18, and 21, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Thibadeau et al. (U.S. Patent No. 5,565,909), in view of Lemelson et al. (U.S. Patent No. 6,084,510). Claims 2, 9, and 16, stand rejected under 35 U.S.C. §103(a) in further view of the Federal Information Processing Standards (FIPS).

It is respectfully asserted that neither Thibadeau nor Lemelson, alone or in combination, disclose:

> "providing a predetermined output when a distance between a reference point and a predetermined point associated with said geographical area exceeds a predetermined distance; wherein said reference point corresponds to a location of a transmitter which transmits emergency alert signals, and wherein said predetermined distance corresponds to a transmission range of said transmitter,"

as described in claim 1.

A problem addressed by the present application is the limited transmission range of transmitters broadcasting emergency alerts. If a user is allowed to choose to receive alerts related to a geographic area for which the associated alert transmitter is too distant to provide a signal, the user may be left with a false impression of being able to receive notifications of emergency alerts for that geographical area.

To solve this problem, the subject application discloses a method of providing a predetermined output to the user during a setup process if the distance from a selected transmitter exceeds the transmission range of that transmitter. In some embodiments, the user can be warned that the emergency alert transmitter for a selected geographic area is too distant for alerts for that area to be received at the user's location.

In contrast, Thibadeau teaches that "location specific messages or programming are generally broadcast and selectively filtered by user terminals which have encoded one or more arbitrary locations of interest. The area surrounding a user, a remote location, a route

to be travelled, or the like may be selected for receipt of local warnings, local commercial messages, and the like. A set-top receiver being a preferably tunable apparatus capable of receiving digital information transmitted by a variety of means. Transmitted messages contain information targeted to geographical groups of users, with location designation coding accompanying location-specific messages. A geographic location selection code is entered into a data processor coupled to the user's receiver to define the user's selected location(s) of interest. The processor receives the information segment and its designation code and compares the designated location to the selected one." (Thibadeau Abstract)

Thibadeau does not describe providing feedback to a user during setup when a distance from a transmitter exceeds the range of that transmitter. Thibadeau merely describes testing the geographic regions of transmitted messages against the user's selected locations of interest. Therefore, Thibadeau fails to disclose "providing a predetermined output when a distance between a reference point and a predetermined point associated with said geographical area exceeds a predetermined distance; wherein said reference point corresponds to a location of a transmitter which transmits emergency alert signals, and wherein said predetermined distance corresponds to a transmission range of said transmitter," as described in currently amended claim 1.

Lemelson teaches that "surveillance platforms in airborne craft (8,10), land based vehicles (12), vessels at sea or fixed structures (14) detect dangers using conventional scanners and transmit information signals describing the dangers to a control center (2) which analyzes the data and determines the degree of danger and its geographic extent. The center generates a danger warning and emergency response including a danger index. The warning/response message identifies the degree of danger (danger index 144) and the GPS coordinates (142) of the impacted geographic area for a wide region or regions of the earth (FIGS. 2-6). A vulnerability index (FIG. 16) determined using neural networks (FIGS. 13-14) and fuzzy logic (FIGS. 15-20) enables a prioritized warning/response. The center broadcasts (18) the danger warning and emergency response (FIG. 9) to a large population of remotely located warning devices (11), such as a network of pagers each of which has a GPS receiver (6,28)." (Lemelson Abstract)

The Office Action asserts that Lemelson discloses "an emergency response system wherein radio receivers and TV sets can be equipped with GPS receivers to receive GPS signals or, alternatively, have their location coordinates determined by other conventional devices, such as, radio ranging systems, optic systems, or the like, entered by users." (Office Action, page 3) In the cited section, Lemelson states that these "local coordinates may be compared with received coordinates corresponding to areas of various degrees of danger in the same manner as used by the warning device 11 and described above. (Lemelson, column 10, lines 51-54)

Thus, Lemelson is comparing the location of the device with locations of danger, not comparing the distance of the device from the transmitter with the range of that transmitter, as described in the present claims. The system suggested by Lemelson would fail to alert the user if he chose a transmitter with insufficient range for reliable alert transmission. Therefore, Lemelson, like Thibadeau, fails to disclose "providing a predetermined output when a distance between a reference point and a predetermined point associated with said geographical area exceeds a predetermined distance; wherein said reference point corresponds to a location of a transmitter which transmits emergency alert signals, and wherein said predetermined distance corresponds to a transmission range of said transmitter," as described in currently amended claim 1.

In view of the above remarks, it is respectfully asserted that there is no 35 USC 112 enabling disclosure provided by Thibadeau or Lemelson that makes the present invention as claimed in claim 1 unpatentable. It is further submitted that independent claims 8 and 15 are allowable for at least the same reasons that claim 1 is allowable. Since dependent claims 2-4, 7, 9-11, 14, 16-18, and 21 are dependent from allowable independent claims 1, 8, and 15, it is respectfully submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance.

Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's representative at (609) 734-6804, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,

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June 3, 2009